

CENTER FOR DISABILITY ACCESS
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Attorney for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Andres Gomez,

Plaintiff,

v.

Gates Estates, Inc., a
California Corporation dba
Vintage Sotheby's Int'l Realty

Defendant.

Case No. 3:21-cv-07147-WHA

**Declaration of Andres
Gomez**

1. I, the undersigned, am the plaintiff in this action. I can competently testify to the following based on my own knowledge and experience.
2. I am legally blind with extremely limited visual acuity. However, I am able to use the internet with the use of assistive technology, primarily screen-reader software that translate images and text into an audio format. I am able to use both my phone as well as a computer with this assistance.
3. I currently reside near Miami, Florida, but I also maintain a residence in Southern California. My family is in California

1 and I have traveled to and from California my entire life. I
2 enjoy my time in the state, and have considered moving to
3 the state full-time.

4 4. With respect to real estate on the Sotheby's website, I like
5 upscale areas. I currently live in Coral Gables, considered
6 the "Beverly Hills" of Miami. I often dream of buying
7 property in other places, and Napa is one of my dream
8 destinations.

9 5. It is unlikely that I would purchase a home in the near-term
10 from one of the listings offered by the Defendant in this
11 case, however there is value to me in consuming the
12 information provided in real estate listings regardless of any
13 specific plans to purchase those listings.

14 6. One of the services and/or privileges provided by realtors,
15 including the Defendant's website in this case, are active
16 listings by those companies. I enjoy window shopping those
17 listings to get an idea of what it costs to live in the area and
18 I like imagining moving there.

19 7. While I do not presently have an intention to buy any
20 specific property at a specific time, I have a general interest
21 in keeping up with the real estate markets. Being aware of
22 developments in high-end real estate markets both provides
23 me entertainment and motivates me to develop my assets
24 in a way that might enable me to purchase property in the
25 future.

26 8. I believe Sotheby's business model encourages people like
27 me to view their listings to further the image of prestige and
28 exclusivity of their business. The same prestige that draws

1 in clients attracts interest from individuals who dream of
2 potentially owning the homes they sell.

3 9. It is my understanding that the privilege of viewing listings
4 of Sotheby's is not limited to clients of the company, and in
5 fact, excluding me as a potential buyer would be a
6 discriminatory act. I am not aware of any requirement that I
7 engage in their realtor services in order to view their
8 listings. I was not prompted to enter any credentials on the
9 website to do so.

10 10. Window shopping and dreaming about real estate is a
11 hobby of mine. I occasionally buy lottery tickets and dream
12 of buying homes in expensive areas such as the Napa
13 Valley area. I do not believe that my ability or inability to
14 currently purchase property should result in my exclusion
15 from the privilege of viewing listings that are publicly listed
16 on the site.

17 11. I am aware that Sotheby's has a physical location in
18 the Napa Valley area. While I'm interested in the services of
19 the office offered online, I do not have any present intention
20 to visit that office. As a visually impaired individual,
21 physically visiting the business for any reason would be
22 fundamentally less useful to me than using the website or
23 telephone. Even if I was sitting in the lobby of the business
24 and the business had the same listings as flyers available to
25 the public, those would be of limited or no use to me and I
26 would find browsing the listings on my phone more useful.

27 12. I have sued real estate companies in just two
28 locations, the Northern District of California, in the Napa

1 Valley area, as well as in the Southern District of Florida.
2 These are two of the areas I enjoy dreaming about buying
3 property.

4 13. I am also an ADA advocate and tester. During my
5 visits to various websites, such as the realtor involved in
6 this suit, I am verifying that the site complies with the ADA.
7 I will continue to have my personal interest in viewing Napa
8 Valley real estate, and I will return to the website to confirm
9 accessibility in the future.

10 14. I declare under penalty of perjury under the laws of
11 the State of California the above is true and correct.
12

13
14 Dated: February 14, 2022

15 By: Andres Gomez
16 Andres Gomez
17 Plaintiff

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